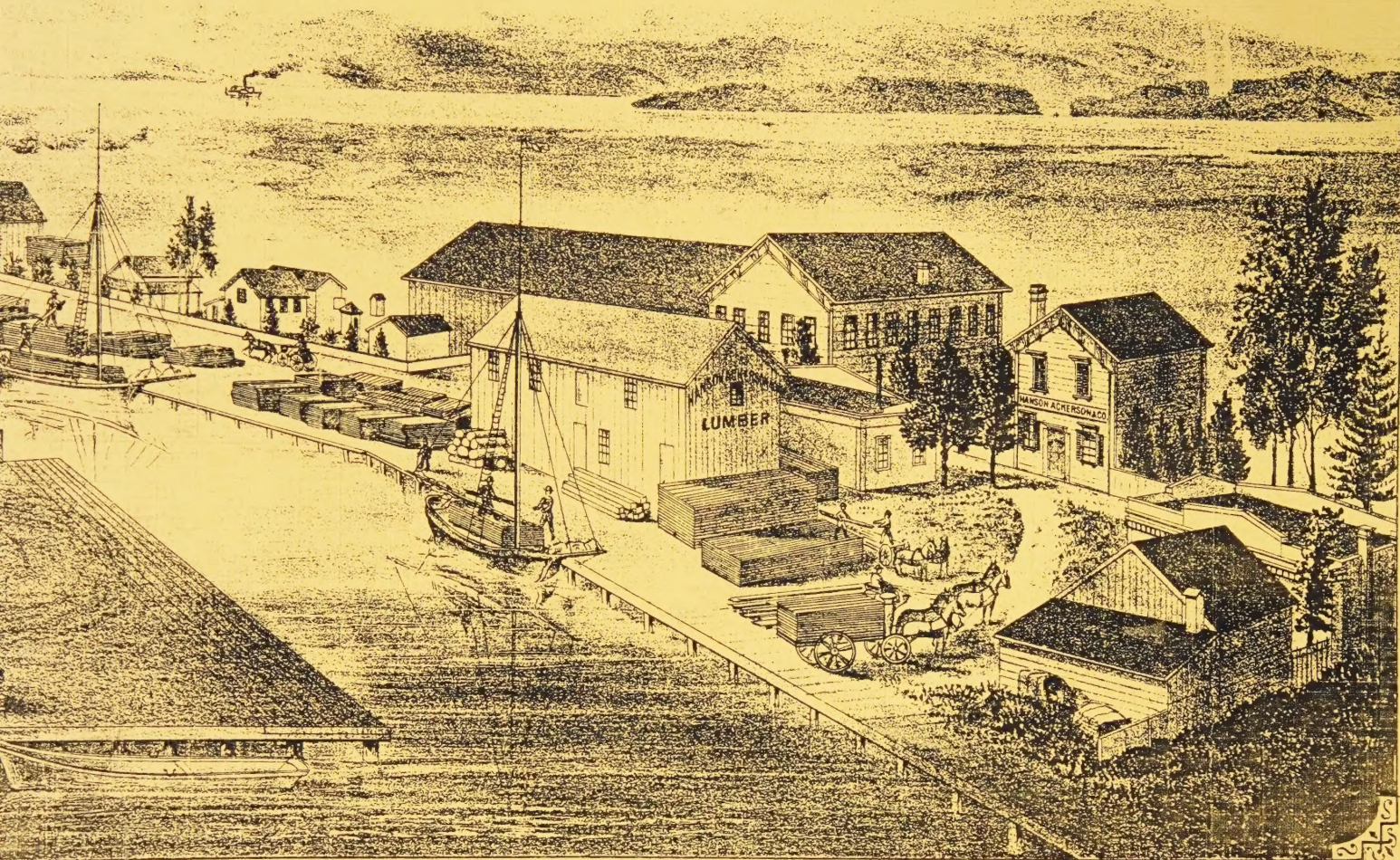


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# CHARTER



## City of Redwood City

*Edition of April 1984*

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# CHARTER OF THE CITY OF REDWOOD CITY CALIFORNIA

Proposed by Board of Freeholders--February 6, 1929

Adopted at a Special Municipal Election--April 9, 1929

Approved by State Legislature--April 30, 1929

Amended January 24, 1961

Amended June 29, 1962

Amended January 14, 1963

Amended April 29, 1968

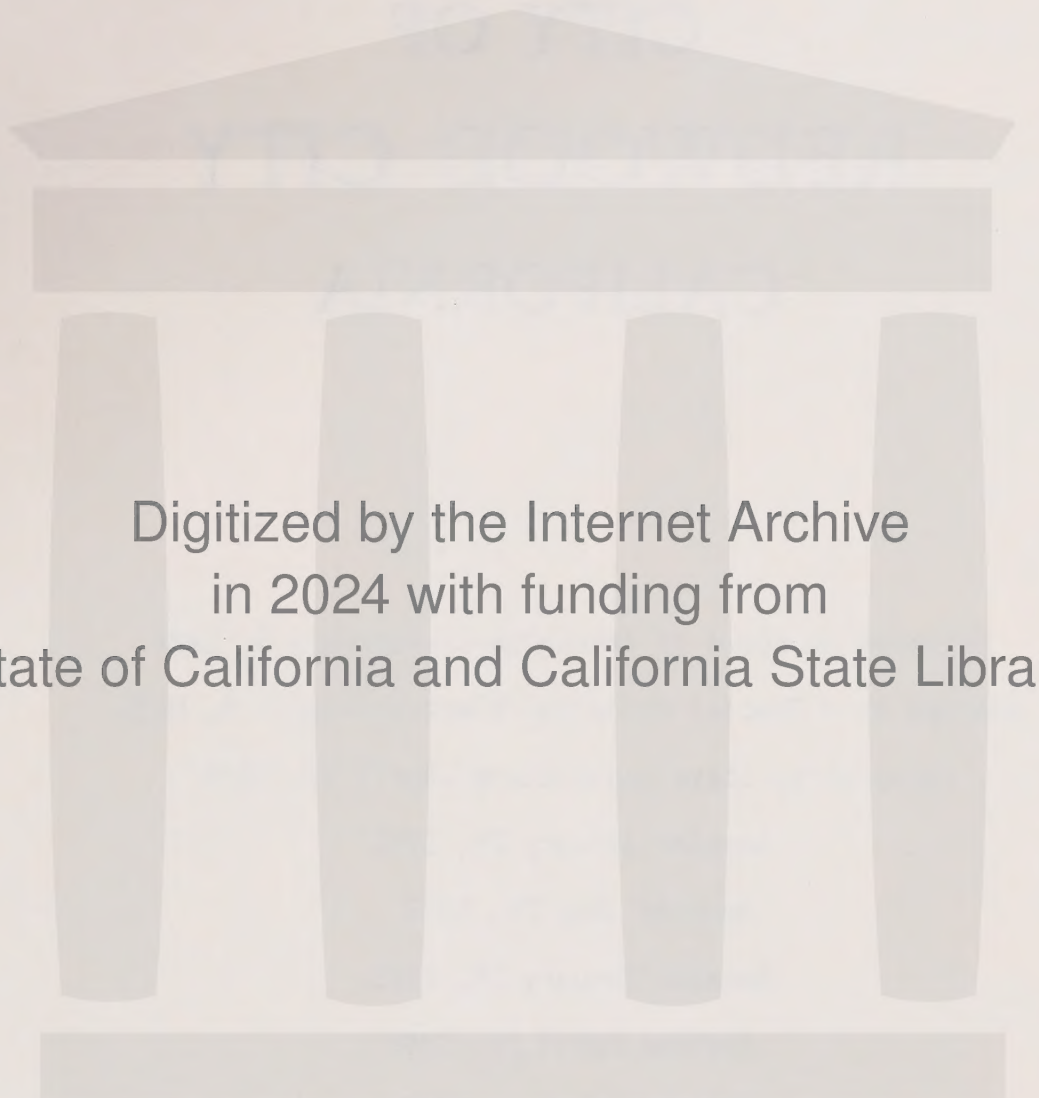
Amended March 4, 1975

Amended April 11, 1978

Amended April 8, 1980

Amended April 13, 1982

Amended April 10, 1984



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C H A R T E R  
of the  
CITY OF REDWOOD CITY

BOUNDARIES, POWERS, ELECTIONS

Section 1. NAME:

The municipal corporation now existing and known as "Redwood City" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Redwood City," and by such name shall have perpetual succession.

Section 2. BOUNDARIES:

The boundaries of Redwood City shall continue as now established until changed as authorized by law.

Section 3. POWERS:

The city shall have all the powers heretofore claimed or exercised by the city, shall have all the powers granted to municipal corporations and to cities by the constitution and general laws of this state together with all the implied powers necessary to carry into execution all the powers granted, and shall retain all rights, interests, powers and privileges heretofore gained by the city or any of its departments, boards, commissions or instrumentalities by virtue of any grant or law or by any judicial interpretation of any such grant or law. The city may acquire property within or without its corporate limits for any city purpose, and may manage, control and dispose of such property as its interests may require; and, except as prohibited by the state constitution or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the state constitution, it would be competent for this charter to enumerate. (As amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27).

Section 3-1/2. ACQUISITION AND DISPOSAL OF PROPERTY:

Public notice shall be given by publication in the official newspaper once at least five (5) days prior to the acquisition of any real



property when the purchase price to be paid by the city equals or exceeds the sum of two thousand dollars (\$2,000), unless such acquisition is to be accomplished pursuant to the general laws of the State by condemnation in eminent domain proceedings, or unless such acquisition is necessary in connection with public improvement proceedings accomplished pursuant to law.

Any sale or lease of city-owned property, except leases of property under the jurisdiction of the Board of Port Commissioners shall be accomplished in accordance with the following procedure:

(a) Public notice of any proposed sale of city property, and of any lease of city property under the jurisdiction of the City Council, shall be given at least once a week for two weeks in the official newspaper. Such notice shall contain a statement that any and all bids may be rejected and the property may be readvertised. If the property is to be leased the notice shall state generally the terms and conditions of such lease.

(b) Prior to the sale of any city property, the City Assessor shall appraise the same and determine the current market value thereof. With the approval of the City Council or the Board of Port Commissioners, as the case may be, the City Assessor may obtain the services of other qualified persons to assist him in such appraisal.

(c) Every sale or lease of city property under the jurisdiction of the City Council may be made only to the highest responsible bidder at public auction or upon sealed bids to the City Council. Every sale of city property under the jurisdiction of the Board of Port Commissioners may be made only to the highest responsible bidder at public auction or upon sealed bids to said Board of Port Commissioners. Every lease of city property under the jurisdiction of the Board of Port Commissioners shall be made in accordance with the provisions of Section 48(a) of this Charter. In all instances where bids are received any and all bids may be rejected and the property readvertised or removed from the market. No sale of any city property shall be made for less than ninety percent (90%) of the appraised value thereof.

(d) Any city real property having an appraised value of two hundred fifty dollars (\$250) or less may be sold without public notice or public bid as required by this section; provided, however, that no such property shall be sold for less than ninety percent (90%) of the appraised value thereof. Any city personal property having an appraised value of five thousand dollars (\$5,000) or less may be sold without public notice or public bid as required by this section; and, further, such property may be sold for any reasonable amount irrespective of its appraised value.

(e) Any sale of real property under the jurisdiction of the City Council having an appraised value of less than seventy-five thousand dollars (\$75,000) shall be authorized only by resolution adopted by the affirmative vote of at least five-sevenths (5/7ths) of all members of the Council. Any such sale of real property having an appraised value



in excess of seventy-five thousand dollars (\$75,000) shall be authorized only by ordinance of the City Council adopted by the affirmative vote of at least five-sevenths (5/7ths) of all members of the Council. Any sale of real property under the jurisdiction of the Board of Port Commissioners having an appraised value of less than seventy-five thousand dollars (\$75,000) shall be authorized only by resolution adopted by the affirmative vote of at least four-fifths (4/5ths) of all members of the Board. Any such sale of real property having an appraised value in excess of seventy-five thousand dollars (\$75,000) shall be authorized only by ordinance of the Board of Port Commissioners adopted by the affirmative vote of at least four-fifths (4/5ths) of all members of the Board. Any ordinance required hereunder shall be subject to the referendum provisions of this Charter.

(f) Any lease of real property under the jurisdiction of the City Council for a term of more than one (1) calendar month shall be authorized by resolution of the Council. Any lease of real property for a lesser period shall be authorized by the City Council by motion duly made and carried.

(g) No lease of property under the jurisdiction of the City Council shall be made for a term longer than fifty (50) years.

(h) No city property shall be exchanged for other property until an appraisal of all property included in the exchange has been made by the City Assessor and the value of the property to be received by the city equals or exceeds the value of the property to be disposed of by the City. (As amended April 8, 1958, ratified by Legislature April 19, 1958.) (As amended April 11, 1978, certified by Secretary of State June 12, 1978) (As amended April 13, 1982, certified by Secretary of State June 10, 1982)

#### Section 4. NOMINATIONS AND ELECTIONS:

General municipal elections shall be held in said city on the second Tuesday in April of each even-numbered year under and pursuant to the provisions of the general laws of the State of California governing nominations and elections in general law cities, so far as the same may be applicable, and except as herein otherwise provided.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections, and shall be held substantially as in this charter provided for general municipal elections; provided however, that special elections to authorize municipal or local public improvements or the levy of assessments therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the Council, in case such general law provides for the procedure and manner of holding elections thereunder. (As amended April 8, 1958, ratified by Legislature April 18, 1958)

#### Section 5. CANVASS OF RETURNS:

The Council of said city shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.



## LEGISLATION

### Section 6. INITIATIVE, REFERENDUM AND RECALL:

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that if a minority of the council are sought to be recalled no candidate or candidates shall be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices; provided further, that should a majority, or more, of the council be sought to be recalled, the general provisions of the State law applicable to recall of officers shall apply. Petitions for exercising the initiative, referendum, or recall, may be circulated or deposited for signatures in not less than three public places in the city, to be designated by the council. Notice of the deposit thereof shall be given by publication three or more times in one or more newspapers published and circulated in said city. The council shall provide by ordinance the detailed procedure for carrying out the provisions of this section.

### Section 7. ELECTIVE OFFICERS:

The elective officers of Redwood City shall be seven councilmen, who shall be elected from the city at large at a general municipal election therein.

### Section 8. ELIGIBILITY OF ELECTIVE OFFICERS:

No person shall be eligible for election to, or hold any elective office of said city unless such person shall have been a resident and elector thereof for at least 30 days next preceding the time of filing nominating papers or equivalent declaration of candidacy for such office, or such person's appointment to fill a vacancy therein. (As amended April 11, 1978, certified by Secretary of State June 12, 1978)

### Section 9. THE COUNCIL:

The Council shall be comprised of seven council members, including the Mayor, and shall be the legislative body of the city, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Council members shall be elected at each general municipal election and shall hold office for the term of four years from and after the Monday next succeeding the day of such election and until their successors are elected and qualified. The council members in office at the time of this charter taking effect shall continue in office until the end of the terms for which they were respectively elected.

Any vacancy occurring in the Council shall be filled by appointment by the remaining council members; but in the event that said remaining council members fail to fill such vacancy by appointment within 60 days after such vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular election, at which date a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Council is absent from the City for a period of 90 days, unless by permission of the Council, or ceases to be a resident and elector of the City, such member's office shall by the Council be declared vacant and the same filled as in the case of other vacancies.

The Council may provide by resolution for compensation of its members in an amount not to exceed that allowed for Council members of general law cities of equivalent population. Adjustments to the initial rate of compensation established after the effective date of the amendment hereto providing for compensation by reference to Councilmember compensation of general law cities may be made in amounts not to exceed those allowed for general law city council members. Provision for payment in accordance with the foregoing may be made when the amendment hereto providing for such compensation is filed with the Secretary of State, but in no event before July 1, 1982.

No councilmember shall be eligible during the term for which he or she was appointed or elected to hold any other office or employment with the city, except as a member of any board, commission, or committee thereof, of which he or she is constituted such member by general law or by this Charter. (As amended April 9, 1968, Approved by Legislature April 29, 1968, Stats. 1968 Chapter 76) (As amended April 13, 1982, certified by Secretary of State June 10, 1982; as amended April 10, 1984, certified by Secretary of State June 21, 1984.)

#### Section 9a. CONSECUTIVE TERMS:

No person shall be eligible to hold office as a councilman for more than four consecutive terms of office. A partial term to which a person is appointed or elected to fill a vacancy in the Council shall not be included in computing consecutive terms. The full term during which a councilman may resign shall be included in the same manner as if no resignation had taken place. In the event any councilman is not elected at a regular election after serving one or more terms, such prior service shall not be included in computing subsequent terms of service and such person shall be eligible to subsequently serve four consecutive terms. Full terms, or partial terms in excess of two (2) years, served prior to the effective date of this section shall not be included in computing consecutive terms. (As amended April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968 Chapter 76.)

#### Section 10. POWERS OF COUNCIL:

All power granted to and vested in Redwood City by law or by provisions of this charter shall, except as herein otherwise provided, be exercised by the council, to be designated the "Council of Redwood City."



The Council shall be the governing body of the city and, subject to the express limitations of this charter, shall be vested with all the powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state, including all powers now or hereafter granted by general law to councils or boards of trustees of municipalities.

#### Section 11. MEETINGS OF THE COUNCIL:

The council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called; provided, however, that there shall be at least two regular meetings in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the council, whether regular or special, shall be open to the public.

#### Section 12. QUORUM:

A majority of the council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and postpone the consideration of, or action upon, pending business in like manner. Attendance at meetings of absent members of the council may be compelled in such manner and under such penalties as may be prescribed by ordinance.

#### Section 13. CONDUCT OF MEETINGS:

The Council shall determine its own rules of procedure, and may punish its members or other persons present at any meeting, for disorderly conduct.

#### Section 14. THE MAYOR:

The council shall choose one of their number to serve as president of the council, and to be known as mayor. His term as mayor shall be two years. The mayor shall be the executive head of the city. In the name and on behalf of the city he shall sign all legal instruments and documents to which the city is a party except where otherwise provided herein or by general law or ordinance. He shall represent the city in all ceremonial functions of a patriotic or social character when it appears desirable that the city be officially represented thereat, and shall, consistent with the provisions thereof, possess such other powers and perform such duties as may be prescribed by this charter, by law, by ordinance, or by resolution of the council.

The mayor shall have a contingent fund of two hundred fifty dollars (\$250) a year for which he need produce no vouchers.

In case of riot, insurrection, or extraordinary emergency, he shall assume general control of the city government and all of its branches, and shall be responsible for the suppression of disorders and the restoration of normal conditions.

The council shall choose one of their number to serve as Vice-Mayor. His term shall run concurrently with that of the Mayor. In the absence or disability of the Mayor, the Vice-Mayor shall have all the powers and duties of the Mayor.

#### Section 14a. MAYOR'S CONTINGENT FUND:

The Mayor's contingent fund, as established by Section 14 of this Charter, shall be augmented by the amount of Nine Hundred Fifty Dollars (\$950) a year, to provide a total of Twelve Hundred Dollars (\$1,200) a year for which he or she need produce no vouchers. (As amended April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968 Chapter 76; as amended April 10, 1984, certified by Secretary of State June 21, 1984.)

#### Section 15. LEGISLATION:

The council shall act in legislative matters by ordinance or resolution only. Other action of the Council, unless herein otherwise provided, may be taken by resolution, motion or order.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon the request of any members of the Council the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least a majority of the members of the Council present.

Each ordinance shall be headed by a brief title which shall be indicative of the purport thereof. It shall be numbered when adopted.

The ordaining clause of all ordinances adopted by the Council shall be, "The Council of Redwood City does ordain as follows:" The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, "The People of Redwood City do ordain as follows:"

No ordinance shall be passed by the Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in the official newspaper of the city at least three (3) days before its adoption; provided, however, that ordinances calling elections and ordinances carrying out the provisions of elections need not be published prior to adoption; provided further, however, that the Council may, to the extent authorized by the general laws of the state and subject to the procedure set forth by such law, enact any ordinance which adopts additional identified matter by reference. In case of an ordinance being amended before its final adoption and after its publication, it shall in like manner be republished in full as amended at least one day before its adoption as amended; provided, however, that



where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected.

Except as otherwise provided by general law, or this charter, no action providing for the appropriation or expenditure of public money, in any amount over two thousand dollars (\$2,000), or for the levying of any tax or assessment, or for the granting of any franchise, or for the establishment or change of zoning regulations, or for the imposition of any penalty of fine or imprisonment, shall be taken except by ordinance. Any and all other legislative action may be accomplished by resolution or ordinance as the Council may determine.

No ordinance or portion thereof shall be repealed except by ordinance. No ordinance shall be revised, re-enacted, or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment or addition, shall be done by ordinance only.

All ordinances shall be signed by the Mayor and attested by and filed with the City Clerk; provided, however, the Mayor may sign all ordinances and other legal instruments and documents by facsimile signature. (As amended April 8, 1958, ratified by Legislature April 18, 1958.)

#### Section 16. WHEN ORDINANCES EFFECTIVE:

Except as otherwise provided herein every ordinance and every measure passed by the council granting any franchise or privilege shall go into effect at the expiration of thirty (30) days after its final passage unless otherwise provided in said ordinance or measure, but ordinances declared by the council to be necessary as emergency measures for the immediate preservation of public peace, health, or safety, containing a statement of the reasons for their urgency and passed by five-sevenths (5/7ths) vote of the whole council, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the council.

#### Section 17. PLANNING COMMISSION:

There shall be a city planning commission, which shall consist of seven members, who shall be appointed by the Council, to serve for three (3) years each, without compensation, none of whom shall hold any other public office or position in the city. All members of the commission shall, at the time of their appointments and continuously during their incumbencies, be residents and electors of the City. The commission shall elect its chairperson from among its members. Neither the City Attorney, the Director of Public Works, nor any deputy or assistant of either of them, shall have the right to vote or enter into deliberations but shall be present in an advisory capacity only.

The planning commission shall exercise all powers and duties granted it by ordinance or resolution of the Council now or hereafter in effect and shall exercise such additional powers and duties as may now or hereafter be provided for by such general laws of the State as are not in conflict with this Charter, or any ordinance or resolution of the Council.

The members of the present city planning commission in office at the time of this Charter taking effect shall continue in office until the end of the terms for which they have been respectively appointed. (As amended April 8, 1958, ratified by Legislature April 18, 1958; amended April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968 Chapter 76; as amended April 10, 1984, certified by Secretary of State June 21, 1984.)

#### Section 18. LIBRARY BOARD:

(a) There shall be a Library Board consisting of five members to be appointed by the City Council.

(b) All members of such Board shall at the time of their appointments and continuously during their incumbencies be residents and electors of the City.

(c) Any members of such Board may be removed at any time by an affirmative vote of five-sevenths (5/7ths) of all members of the City Council.

(d) The members thereof shall serve for a term of three (3) years and thereafter until their respective successors are appointed and qualified.

(e) The members of such Board shall receive no compensation. (As amended April 10, 1984, certified by Secretary of State June 21, 1984.)

#### Section 19. LIBRARY BOARD--POWERS:

The Library Board shall have the power:

(a) To establish rules for its proceedings, appoint, discipline and remove, subject to Civil Service provisions, such officers and employees as may be provided for by the Council and exercise all authority and perform all duties prescribed by this Charter or by ordinance.

(b) To control and manage the Public Library System of the City.

(c) To expend for library purposes all moneys in the Library Fund received by the city from the special levy for the maintenance and support of a public library system.

(d) To make and enforce rules and regulations necessary for the administration, government and protection of the Library System.



(e) To purchase necessary books, journals, publications and other personal property.

(f) To borrow books from, rent books to, and exchange the same with other libraries and to extend library privileges to non-residents upon such conditions as the Board may prescribe.

(g) To appoint and remove at its pleasure a librarian who shall be the chief executive officer of the Public Library System.

#### Section 19-1/2. LIBRARY BOARD--BUDGET:

The Library Board shall furnish to the City Manager prior to the third Monday in April of each year a proposed budget in a form prescribed by the City Manager. The Council shall have the power to modify or alter such budget in any respect. The accounts and disbursements of the Library Board and the Public Library System shall be subject to audit in the same manner as other city departments.

#### Section 20. LIBRARY BOARD--DISPOSITION OF MONEY:

All fines and other money arising out of the administration of the Public Library System of the City shall be deposited in the Library Fund. (Section 17, 18, 19, 19-1/2 and 20 as amended April 13, 1954, ratified by Legislature January 13, 1955. Stats. 1955, Chapter 27.)

## ADMINISTRATION

### Section 21. OFFICERS AND BOARDS:

The administrative officers and boards shall be City Manager, City Clerk, Director of Public Works, Chief of Police, Chief of Fire Department, Director of Finance, City Attorney and such other officers and boards or commissions as may be hereafter established.

The City Manager, City Attorney, Director of Finance, and City Clerk, shall be appointed by the Council and the removal of any of them shall be only on the affirmative vote of five-sevenths (5/7ths) of all members of the City Council.

All other officers and employees shall be appointed by the city manager and shall hold office or position at his or her pleasure. The compensation of all officers and employees, excepting members of the Council, shall be provided by resolution of the Council. (As amended April 9, 1968, approved by Legislature April 29, 1968, Chapter 76.) (As amended April 8, 1980, certified by Secretary of State April 25, 1980; as amended April 10, 1984, certified by Secretary of State June 21, 1984)

### Section 21-1/2. ESTABLISHMENT OF BOARDS AND COMMISSIONS:

All boards and commissions shall be established and the members thereof appointed by the council, and the duties and functions of said boards and commissions shall be prescribed by the council, unless otherwise specifically provided in this Charter. All members of such boards and commissions shall, at the time of their appointments and continuously during their incumbencies, be residents and electors of the City unless otherwise provided by the Council. (As amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27; as amended April 10, 1984, certified by Secretary of State June 21, 1984)

### Section 22. CONSOLIDATION OF OFFICES:

More than one office and the powers and duties thereof may be consolidated under a single officer by ordinance of the council, or by order of the city manager, provided that the office of city manager shall not be abolished. Additional powers, functions, and duties may be assigned by ordinance to any office, board, or commission hereby established.

The council may abolish or change any office established by ordinance, and may prescribe, distribute, and consolidate the functions and duties of offices so established.

### Section 23. DEPARTMENT RULES:

Each department head shall have power to prescribe and enforce



reasonable rules and regulations not inconsistent with this Charter or ordinances of the city, or general laws of the state, for the conduct of the employees of the department of which he is in charge, for the distribution and transaction of its business, and for the records and property under his control.

#### Section 24. OFFICIAL BONDS:

The council shall determine which officers shall give bonds for the faithful performance of their official duties and fix the amount of such bonds. Such officers, before entering upon their duties, shall execute bonds to the city in the penal sum required, which bonds shall include other officers of which they may be ex-officio incumbents. Said bonds shall be approved by the council and filed with the city clerk. That of the city clerk shall be filed with the Mayor. The premium of such bonds shall be paid by the City.

#### Section 25. OATH OF OFFICE:

Each officer or member of a board or commission shall take the constitutional oath of office and subscribe thereto before entering upon his official duties. Such oaths shall be filed with the clerk. The oath of the city clerk shall be filed with the Mayor.

#### Section 26. CITY MANAGER:

The city manager shall be the administrative head of the city government. He shall be chosen by the council without regard to political consideration and solely with reference to his executive and administrative qualifications.

Residence shall not be a qualification for his appointment; but promptly thereafter, he shall become and thereafter remain an actual resident of the city.

The powers and duties of the city manager shall be as follows:

- (a) To see that all ordinances are enforced.
- (b) To appoint, except as otherwise provided, all administrative officers, subordinate officers, employees, and remove the same, except as otherwise provided, and have general supervision and control over the same.
- (c) To exercise general supervision over all privately owned public utilities operating within the city.
- (d) To see that the provisions of all franchises, permits, and privileges granted by the city are fully observed and to report to the council any violation thereof.
- (e) To act as Purchasing Agent for the city. When so acting he shall give preference to local merchants, quality and price being equal.

(f) To attend all meetings of the council, unless excused therefrom by the council or the mayor.

(g) To examine, or cause to be examined, without notice, the conduct of any officer or employee of the city.

(h) To keep the council advised as to the needs of the city.

(i) To devote his entire time to the interests of the city.

(j) To have general supervision of all the public parks and playgrounds.

(k) To appoint such advisory officers and boards as he may deem desirable, with the growth of the city, to advise and assist him in his work; provided, such officers and boards shall not receive any compensation.

(l) To make such recommendations to the council or board of equalization regarding the assessment roll as he may deem advisable.

(m) To possess such other powers and to perform such additional duties as are or may be prescribed by this Charter or by ordinance.

(n) From time to time, in order to facilitate the prompt, economical and efficient dispatch of city business, to assign assistants, deputies, and employees from any office or department of the city government to perform such work or service in connection with any other office or department thereof, or to work in more than one of said offices or departments.

The city manager and such other officers of the city as may be designated by vote of the council shall be entitled to seats with the council, but shall have no vote therein. The city manager shall have the right to take part in the discussion of all matters coming before the council.

In case of the absence or disability of the city manager, the council may designate as city manager pro tem some qualified person to perform the duties of the office temporarily. (As amended June 11, 1936, ratified by Legislature January 23, and May 15, 1937, Stats. 1937, pp. 2697, 2957.)

#### Section 27. NO INTERFERENCE BETWEEN COUNCIL AND CITY MANAGER:

No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any



candidate for city manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to city offices or employments. No member of the council shall attempt to influence unduly any city officer or employee appointed by the city manager or otherwise intervene in the exercise of the city manager's supervision and control over the same, provided that the foregoing shall not preclude any councilman from consulting with any city officer or employee for informational purposes. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the council, who may be removed therefrom by the council or by any court of competent jurisdiction.

No persons related to the city manager by blood or by marriage shall be eligible for employment. (As amended April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968 Chapter 76.)

#### Section 28. DIRECTOR OF PUBLIC WORKS:

The Director of Public Works shall perform such duties as may be prescribed by law for a city engineer and shall also be street superintendent, until such time as the council may direct a separate officer to act as street superintendent.

He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes, and other records, and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof.

He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the city clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control as Director of Public Works during his term of office shall be the property of the city.

He shall have supervision over all public work relating to the grading, paving, cleaning, lighting, watering, and repairing of streets, the building of sewers and the disposal of sewage, garbage, and rubbish, also all other matters of an engineering character. He shall, at the time of his appointment, have been a practicing engineer for a period of at least three years.

All other things being equal, an engineer who has had special training or experience in municipal engineering shall be appointed to this office, if practicable.

The street superintendent shall perform such duties as may be prescribed now or hereafter, by ordinance or general laws of the state. Nothing herein contained shall prevent the city manager himself from

acting as ex-officio Director of Public Works and street superintendent and filling such offices as herein provided. (As amended April 9, 1968, approved by Legislature April 29, 1968, Stats.1968, Chapter 76.)

#### Section 29. CHIEF OF POLICE:

The chief of police shall be the head of the police department, and shall have all the powers that are now, or may hereafter may be conferred upon sheriffs and other peace officers by the laws of the state. It shall be his duty to preserve the public peace, and to suppress riots, tumults, and disturbances.

His orders shall be promptly executed by the police officers of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order, or the protection of life and property.

He shall execute and return all processes issued to him by legal authority, and it is hereby made his duty, to arrest persons violating any law of the United States or the state or ordinance of the city. He shall have such other powers and duties appertaining to his office as may be prescribed by the council or rules of the police department.

He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department, all in accordance with the provisions of this charter and subject to the approval of the city manager. (As amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27.)

#### Section 30. CHIEF OF FIRE DEPARTMENT:

The chief of the fire department shall be the head of the fire department, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby.

During a fire, the chief of the fire department shall be in supreme authority over the territory involved therein, and all persons in the immediate vicinity of said fire shall be subject to his orders.

He shall appoint and remove all subordinates in the department and make rules and regulations for the government thereof, subject to the approval of the city manager. (As amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27.)

#### Section 31. DIRECTOR OF FINANCE:

There shall be a Director of Finance who shall be appointed by the Council. The Director of Finance shall perform the duties, and exercise the powers, of the City Auditor, City Treasurer, City Assessor and City Collector in accordance with Sections 33, 34, 35 and 36 hereof, respectively, and the offices specified in said sections are hereby consolidated under the office of Director of Finance. Wherever in this Charter



reference is made to any of the foregoing enumerated officers such reference shall be deemed to mean the Director of Finance. The Director of Finance shall also perform such other duties, and exercise such other powers, as may be prescribed by the Council or the City Manager. (Section 31 deleted April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76; new section April 10, 1984, certified by Secretary of State June 21, 1984)

## Section 32. CITY CLERK:

The city clerk shall be clerk of the council and the board of equalization and shall attend all meetings and shall keep in separate books full and true records of all proceedings of each of said bodies. The clerk shall keep a copy of all ordinances with a certificate of the clerk annexed to said copy, stating it is a true and full record thereof.

Said record copy, with such certificate shall be prima facie evidence of the contents of such ordinance. The clerk shall also keep an index to the minutes of the council and to all ordinances.

The city clerk shall be the custodian of the city seal, and shall affix the same to all official certificates made by said clerk, and to all papers when directed by the council to attest to execute the same.

The clerk shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. The clerk shall have such other powers and perform such other duties as may be provided by this charter or by statute or by ordinance or order of the city manager. (As amended April 11, 1978, certified by Secretary of State June 12, 1978)

## Section 33. CITY AUDITOR:

When deemed necessary by the council, it may appoint a city auditor. Prior to such appointment, the duties of the city auditor may be performed by such other officers as may be designated by the council.

The auditor shall have general control of all accounting for the city; he shall receive and preserve in his office all account books, vouchers, documents and papers relating to accounts and contracts of the city, its revenues, disbursements and other financial affairs.

He shall keep an account of all moneys received and paid out by or through any other office, commission, or department. He shall prepare and submit to the council and city manager, as early as possible each month, and not later than the tenth day thereof, duplicate summary statements of all revenue and expense for the preceding month, detailed as to appropriations and funds, in such manner as to show the exact financial condition of the city and each office, department, and division thereof, as of the last day of the preceding month. The city

clerk shall furnish the city auditor with copies of all ordinances, resolutions, and orders of the council making appropriations or authorizing expenditures of money for any purpose. He shall perform such other duties as may be prescribed by the general laws or by ordinance of the council.

#### Section 34. CITY TREASURER:

There shall be a city treasurer, who shall be appointed by the city council. It shall be the treasurer's duty to receive and safely keep all moneys and securities belonging to the city and coming into said treasurer's hands, and to pay out the same only on warrants signed by the proper officers, except the principal and interest due on bonds of the city, including improvement bonds thereof.

The treasurer shall deposit, with such depositories as are provided by law all funds coming into said treasurer's possession, and shall obtain from such depositories collateral as security therefor as provided by law. All interest on money so deposited shall accrue to the benefit of the city.

The council, in the case of general municipal funds, and the Board of Port Commissioners, in the case of Port funds, may authorize the treasurer to invest such public moneys as are not required for immediate expenditure in such securities or other certificates of indebtedness as are provided by law for the investment of public funds, generally. Such authority may include the power to sell or exchange such securities and reinvest the proceeds thereof. If so authorized, the treasurer shall thereafter assume full responsibility for such transactions until such authority is revoked and shall make a monthly report of such transactions to the council concerning the investments of general municipal funds and to the Board of Port Commissioners concerning the investment of Port funds. (As amended April 11, 1978, certified by Secretary of State June 12, 1978)

#### Section 35 CITY ASSESSOR:

There shall be a city assessor. Subject to the provisions of Section 53.5, as soon after the lien date of each year as practicable, he shall assess all taxable property within the city as of the lien date; he shall prepare all special assessments for public improvements, and give notice of such assessments to property owners. He shall verify the assessment list by his oath and deposit the same with the city clerk on or before the first Monday in August of the year in which such list is made.

He shall possess such other powers and perform such other duties as may be prescribed by the council by ordinance, or by the city manager.

The council may have a scientific appraisal and assessment of property made every five years or at other periods. The city council



may also jointly agree with the County Board of Supervisors for a joint scientific appraisal for the use of the county and of the city, in which case the city shall not pay more than one-half of the total expense of such joint appraisal. (As amended April 9, 1968, approved by Legislature, April 29, 1968. Stats. 1968, Chapter 76.)

#### Section 36. CITY COLLECTOR:

There shall be a city collector, who shall collect and turn over to the treasurer, as herein provided, all taxes collected by the city through its council, city assessor, or otherwise, and collect all license fees. He shall have such other powers and perform such other duties as the council by ordinance, or the city manager, may require.

(Sections 37, 38, 39, 40, 41, 42 and 43 were deleted as amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27.)

#### Section 44. CITY ATTORNEY:

There shall be a city attorney appointed by the council. He shall be an attorney admitted to practice in the supreme court of the State of California, and shall have been in actual practice in the state for at least three years next preceding his appointment.

The city attorney shall be the legal adviser of the council and all other city officials. He shall draft all ordinances, resolutions, contracts or other legal documents or proceedings required by the council or other officials, except as may be otherwise provided, and shall perform such other legal services from time to time as the council may require. He shall attend all meetings of the council and of the city planning commission, unless excused therefrom by the council, the mayor, or the chairman of the planning commission, as the case may be.

It shall be the duty of the city attorney to give advice in writing, when so requested, to the council, the city manager, or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city, and for such offenses against the laws of the state as may be required by law.

In addition to the duties imposed upon the city attorney by this charter or required of him by ordinance or resolution of the council, he shall perform any duties imposed upon the chief legal officer of municipalities by law.

(Section 45 as amended deleted April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76.)

## Section 46. FRANCHISES:

Every franchise or privilege to construct, maintain, or operate any railroad or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other service or commodity, or for the use of public property, or places now or hereafter belonging to the city, may be granted pursuant to procedure established by ordinance, or pursuant to the provisions of the general laws of the State relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property by others whenever practicable, and nothing herein shall be construed as prohibiting the Council from requiring additional terms or conditions not inconsistent with the constitution. No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated without the express consent of the Council given by ordinance and subject to referendum. (As amended April 8, 1958, ratified by Legislature April 18, 1958.)

## PORT DEPARTMENT

(Sections 47 to 50-a inclusive, added June 11, 1936, ratified by Legislature January 23, and May 15, 1937, Stats. 1937, pp. 2697, 2957.)

## Section 47. ESTABLISHMENT OF A PORT DEPARTMENT:

To promote and insure more definitely the comprehensive and adequate development of the Port of Redwood City through continuity of control, management and operation, there is hereby created a department of the City of Redwood City to be known as the "Port Department."

## Section 47a. BOARD OF PORT COMMISSIONERS:

The exclusive control and management of the Port Department is hereby vested in the Board of Port Commissioners, which shall be composed of five (5) members who shall be appointed by the Council.

No person shall be appointed as a member of the Board who is not at the time of his or her appointment, and has not been continuously for three (3) years immediately preceding, a resident and elector of the City of Redwood City. All members of the commission shall continuously and during their incumbencies be residents and electors of the City.



The members of the Board shall serve without salary or compensation. (As amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27; as amended April 10, 1984, certified by Secretary of State June 21, 1984)

#### Section 47b. ORGANIZATION: TERMS OF OFFICE:

Members of the Board shall hold office for a term of five years, except in the case of a vacancy, in which event the appointment shall be for the unexpired term. Board members in office at the time this amendment takes effect shall continue in office until the end of their respective terms.

The Board shall elect a President, Vice-President and a Secretary. The Board shall make provision for the time, place and conduct of its meetings, which meetings shall be open to the public. (As amended April 9, 1968, approved by Legislature, April 29, 1968, Stats. 1968, Chapter 76.)

#### Section 47c. REMOVAL:

Any member of the Board may be removed from office on a five-sevenths (5/7ths) vote of the whole council, or by recall as provided in Section 6 of this Charter.

#### Section 47d. ORDINANCES AND RESOLUTIONS:

All actions taken by the Board of Port Commissioners shall be by motion spread upon its minutes, or by resolution except as hereinafter set forth.

Any member of the Board may require a record of the vote on any resolution to be made in its minutes. The Board shall keep a minute book wherein shall be recorded the proceedings taken at its meetings and it shall keep a record and index of all its resolutions and ordinances, which shall be open to public inspection when not in use.

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three (3) members of the Board.

No ordinance shall be placed upon its final passage until at least five (5) days have elapsed after its first reading. All ordinances shall be published at least once in the official newspaper of the City of Redwood City and no ordinance shall become effective until thirty (30) days after the date of its final passage.

The Board may by vote of three (3) of its members, pass emergency measures to take effect at the time indicated therein. Emergency measures shall contain a section in which the emergency is particularly set forth and defined, and a separate roll call on the question of emergency shall be taken.

The enacting clause on ordinances passed by the Board shall be substantially in these words:

"Be it ordained by the Board of Port Commissioners of the City of Redwood City as follows:"

All ordinances shall be signed by the President, or Vice-President of the Board, and attested by the Secretary.

A certified copy of each ordinance adopted by the Board shall be forthwith filed with the city clerk, and the city clerk shall keep a record and index thereof which shall at all times be open to public inspection. (As amended April 9, 1940, ratified by Legislature May 16, 1940, Stats. 1941, p. 241.)

#### Section 47e. PROPERTIES, TARIFFS AND REGULATIONS:

All proceedings for the acquisition of real property by purchase, condemnation, or otherwise, or the granting of any lease longer than one (1) year, the fixing, regulating, and altering schedules of rates, dockage, wharfage, tolls, and charges for all publicly-owned docks, piers, wharves, slips and other facilities, and for services rendered by the Port Department, and the adoption of all general rules and regulations of the Port Commission excepting administrative regulations of a temporary nature shall be done by ordinance or resolution as determined by the Port Commission. (As amended April 9, 1940, ratified by Legislature May 16, 1940, Stats. 1941, p. 241.)

#### Section 47f. POWERS AND DUTIES OF THE BOARD:

The Board of Port Commissioners shall have the complete and exclusive power, and it shall be its duty for and on behalf of the City of Redwood City:

(1) To sue and defend in the name of the City of Redwood City in all actions and proceedings wherein there is involved any matter within the jurisdiction of the Board.

(2) To make provision for the needs of commerce, shipping and navigation of the Port, to promote, develop, construct, reconstruct, alter, repair, maintain, equip and operate all waterfront properties including piers, wharves, sea walls, docks, basins, channels, slips, landings, warehouses, floating and other plants or works, to dredge, and reclaim land, construct, equip and operate terminal trackage with sidings and turnouts and railroad connections between docks, piers, and other Port structures, and connect the same with mainline tracks, and to establish, equip and operate all other facilities or aids incident to the development, protection and operation of the Port, as may be deemed proper and desirable in its judgment, and it may modify its plans from time to time as the requirements of commerce, shipping and navigation may demand, and as part of such development and operation to provide



for tugs, dredges, fireboats, barges, cold storage plants, and all other publicly-owned facilities or appliances, incident to the operation of the Port, and of such number and character, and in such places as the Board may deem feasible and proper.

(3) To take charge of, control and supervise the Port of Redwood City, including all the waterfront properties, and land adjacent thereto, or under water, structures thereon, and approaches thereto, storage facilities and other facilities, and all rights and interest belonging thereto, which are now or may hereafter be owned or possessed by the City of Redwood City.

(4) To have control and jurisdiction of the area hereinafter defined as the "Port Area," and to make and enforce therein general rules and regulations, to the extent that may be necessary or requisite for Port purposes or harbor development, and in carrying out the powers elsewhere vested in the Board; provided, however, that with the approval of the council, the Board may relinquish to the council control of portions of the said area and likewise, upon request of the Board, the council may, by ordinance, enlarge the Port Area.

(5) To require owners of the water terminal properties and facilities within the Port to keep the same in proper condition and repair and to maintain them with especial reference to the safety of persons and property and the reduction of fire hazard or nuisance, and it shall have the right to inspect such terminal facilities at reasonable times.

(6) To regulate and control all public service and public utilities operated in connection with, or for the promotion and accommodation of commerce, navigation or fishery in the Port Area; to fix the proper license fees to be paid to the city by any person, firm or corporation operating any such public service or utility; and to fix and regulate the rates or tolls to be charged or collected for services furnished by any such public service or utility. The Board shall have the right, at all reasonable times, to have access to, and in person, or by its duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the Board may prescribe. The amounts of the license fees to be paid to the city by any such person, firm or corporation, operating any such public service or utility, and the rates or tolls to be charged and collected for service furnished or supplied by such public service or utility shall be fixed by the Board by ordinance.

(7) To fix all rates, dockage, rentals, tolls, pilotage, wharfage, and charges, for the use and occupation of the public facilities or appliances of the Port and for services rendered by the Port Department, and to provide for the collection thereof.

(8) To purchase materials and supplies without soliciting or advertising for bids in an amount not exceeding five thousand dollars (\$5,000). Every contract for any purchase of materials and supplies,

the estimated cost of which is more than five thousand dollars (\$5,000) but less than ten thousand dollars (\$10,000), shall be awarded to the lowest responsible bidder after solicitation of bids without public advertisement. Every contract for any purchase of materials and supplies, the estimated cost of which is ten thousand dollars (\$10,000) or more, shall be awarded to the lowest responsible bidder after public advertisement therefor. The Board shall have the power to reject any and all bids, and solicit or advertise again. All solicitations and advertisements as to purchases shall contain a reservation of the foregoing right.

(9) To enter into contracts, agreements, leases, or stipulations, germane to the scope of its powers and duties.

(10) To let all work by contract or order it done by day labor, as the Board may determine.

(11) To employ and appoint a Port Manager, who shall hold his position during the pleasure of the Board, and such other officers, employees and agents as may be necessary in the efficient and economical carrying out of its functions and to prescribe and fix their duties, authority and compensation, and to require such officers, employees and agents to give a bond in such an amount as the Board may require for the faithful discharge of their duties. All offices and places of employment in the permanent service of the Board shall be created by ordinance duly passed.

(12) To provide and equip offices.

(13) To expend all funds necessary to the carrying out of the powers and duties herein expressed.

(14) To adopt and enforce such ordinances, orders, regulations and practices, as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the Port, and its facilities.

(15) To prescribe fines, forfeitures and penalties for the violation of any provision of Sections 47 to 50a of this Charter, or of any ordinance, but no penalty shall exceed five hundred dollars (\$500) fine, or six months imprisonment, or both.

(16) To have and exercise the right of eminent domain within the "Port Area," on behalf of and in the name of the City of Redwood City, for Port purposes, harbor development or the carrying out of any of the powers granted to said Board, and to exclusively find and determine by ordinance adopted by a four-fifths (4/5ths) vote of all its members the public interest and necessity thereof.

(17) To appoint a Port Attorney who shall be the same person who is at that time city attorney and who shall continue to act as Port Attorney during such time as he may continue to be city attorney, whose duty it shall be to pass upon the form and legality of all contracts



within the jurisdiction of the Board, give legal advice to the Board on official matters, defend and (subject to direction from the Board) prosecute or compromise all actions at law or in equity and special proceedings for or against the City of Redwood City or any officer thereof in his official capacity, pertaining to matters within the jurisdiction of the Board. The Board shall fix and provide for his compensation which shall be in addition to his compensation from the city as city attorney.

(18) To do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city, or any of the provisions of Sections 47 to 50a of this Charter, and to exercise all powers not in conflict with the constitution of the state, or with this Charter, germane to the scope of its powers, purposes and duties. (As amended March 4, 1975; certified by Secretary of State March 20, 1975.)

#### Section 47g. RELATION TO CITY MANAGER AND COUNCIL

The city manager and City Council shall be notified of the time and place of the holding of all meetings of the Commission and shall have the right to attend and address the Commission at such meetings. The Secretary of the Commission shall, within two (2) days after the adjournment of each meeting of the Commission, furnish the city manager and City Council with a copy of the minutes of such meeting. The files of the Commission shall be open to inspection by the city manager or the City Council at all reasonable times. The Board shall annually, at a meeting designated by the Council, report on the preceding year's activities and accomplishments, and future plans and objectives. (As amended April 10, 1984, certified by Secretary of State June 21, 1984)

#### Section 47h. POWERS AND DUTIES OF PORT MANAGER:

The Port Manager shall have such powers and duties as shall be prescribed from time to time by the Board by ordinance.

#### Section 48. HARBOR LANDS:

All tidelands and submerged lands within the Port Area, whether filled or unfilled, heretofore and hereafter acquired by the City of Redwood City from the State of California, are hereby declared to be required for use for purposes in connection with or for the promotion and accommodation of commerce, navigation or fishery and shall, except as herein provided, continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer or otherwise dispose of, any part of or any interest in such tidelands and submerged lands, or appurtenances thereto belonging, owned, controlled, possessed or held by the City of Redwood City in the Port Area, except as follows:

(a) Such lands may be leased for not to exceed a term of fifty (50) years in accordance with the procedures established by this Charter for the leasing of real property and subject to the trusts and conditions contained in the grants of such property to the City of Redwood City.

(b) Any land owned and lying easterly of Harbor Boulevard may be sold as provided by the Charter of the City of Redwood City for selling of property within said city by said council or by said Port Commission.

(c) Grants of such lands may be made to the State of California, or to the United States of America, for public purposes, when authorized by a majority vote of the qualified voters of the city, voting upon the question of authorizing any such grant at an election or upon a vote of five-sevenths (5/7ths) of the Council of said city, or four-fifths (4/5ths) of the Port Commission of said city, in case said Port Commission has jurisdiction thereof. (Section 48 as amended April 10, 1962, ratified by Legislature June 29, 1962.)

#### Section 48a. LEASES:

No sale of any real property under the jurisdiction of the Board of Port Commissioners shall be made except in accordance with the provisions of Section 3-1/2 of this charter and all powers and duties therein imposed on the Council are hereby conferred and imposed on the Board of Port Commissioners with respect to property under its jurisdiction. Every lease of real property under the jurisdiction of the Board of Port Commissioners for a term in excess of one (1) month shall be approved by ordinance after public hearing held on the question of such approval. Such ordinances shall be subject to the referendum provisions of this charter. Every lease of real property under the jurisdiction of the Board of Port Commissioners for a term of one (1) calendar month or less shall be approved by said Board by motion duly made and carried, and may be granted without public notice, hearing, or bid. No lease of real property under the jurisdiction of the Board of Port Commissioners shall be made for a term longer than fifty (50) years. (As amended April 11, 1978, certified by Secretary of State June 12, 1978)

#### Section 48b. ANNUAL BUDGET:

The Board shall annually, on or before the third Monday of May, carefully prepare a budget setting forth the estimated receipts of the port, and from other sources, for the ensuing year, and the sums of money necessarily required for the administration of the department, and for maintenance, operation, construction and development of the port and its facilities for the ensuing year, and stating the amount necessary to be raised by tax levy for said purposes. Said budget when so prepared shall be certified by the President and Secretary of the Board, and a certified copy thereof shall, on or before said date, be filed with the city clerk, one with the city manager, and one with the auditor.



#### Section 48c. TAX LEVY FUNDS:

The act of filing such budget, as provided for in the foregoing section, shall constitute an appropriation to the Board of the total amount so specified therein as necessary to be raised by tax levy, and such amount shall become a part of the annual budget of the Council, and shall be deemed included in the proceeds derived from any tax which the Council, in accordance with Sections 55 to 57 of the Charter, may levy.

Provided, however, there is reserved to the Council the right to reduce the amount of such appropriation by adopting an ordinance therefor at any time prior to the introducing of its ordinance fixing the annual rate of taxation, stating specifically therein its reasons for making such reduction. Such amount so fixed by the Council shall thereupon be included in its annual budget and tax levy in lieu of the amount fixed by the Board.

It shall be the duty of the city auditor to credit to the Board the amount so appropriated, and the treasurer shall keep all such funds separate from other funds in his possession. The auditor shall draw and sign warrants upon such funds, when allowed by the Board, in accordance with Section 59 of the Charter, and all powers and duties therein conferred or imposed upon the City Council are, in relation to port funds, hereby conferred and imposed upon the Board. The Board shall have the exclusive management and disbursement of such funds.

The council may also, from time to time, make further appropriations to the Board of such amounts as may, in its judgment, be necessary or proper.

#### Section 48d. REPAYMENT OF FUNDS:

All moneys once apportioned or appropriated to the Board, and all income from the operation of the port and its facilities, or all net income from leases or other sources, shall remain in its control until expended; provided, the Board shall annually pay over to the General Funds of the city profits from the operation of the port and any surplus funds which in its judgment may not be needed for port purposes.

FURTHER PROVIDED, that the council may annually, prior to July 1 of each year, require that the Board pay over to the city treasurer sufficient funds to pay interest and principal payments falling due for the fiscal year succeeding such demand on any bonds issued specifically for the improvement of the Port of Redwood City.

On receipt of such demand, it shall be mandatory on the Board that such payment be made. (As amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27; as amended April 10, 1984, certified by Secretary of State June 21, 1984)

#### Section 48e. BOND INDEBTEDNESS:

The proceeds from the sale of bonds now authorized or which shall hereafter be authorized for port purposes, shall be under the control of and expended by the Board, and shall be expended for the objects and purposes for which the indebtedness was incurred. Whenever it is desired to incur additional bonded indebtedness for any object or purpose consistent with its general powers, the Board shall prepare tentative plans and estimates and submit its recommendations in writing to the City Council.

Section 48f deleted April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76.

#### Section 48g. DUTIES OF TREASURER:

All moneys under the control of the Board shall be immediately paid over to the Treasurer of the City of Redwood City, who shall have the care and custody of said funds, and shall keep separate accounts thereof, and pay out the same, as provided in this Charter.

#### Section 49. BUILDING PERMITS

No person or persons shall construct, extend, alter, improve, erect, remodel or repair any pier, slip, basin, wharf, dock or other harbor structure, or any building or structure within the "Port Area" without first applying for and securing from the Board a permit so to do, in accordance with the rules and regulations adopted by it. In approving or denying the right to said permit, the Board shall consider the application therefor, the character, nature and size and location of the proposed improvement, and exercise a reasonable and sound discretion in the premises.

Such permit shall be in addition to any permit which may be required by law from the Building Inspector of the City of Redwood City.

#### Section 49a. CONTRACTS

Except as otherwise provided herein, all public work requiring an expenditure of funds under the jurisdiction of the Board of Port Commissioners in excess of ten thousand dollars (\$10,000) shall be accomplished pursuant to the provisions of Sections 67 and 68 hereof concerning solicitation or public advertisement for bids. All powers and duties therein conferred upon the city council are, in relation to all matters concerning the Port, hereby conferred and imposed upon the Board of Port Commissioners, and all powers and duties therein conferred upon the City Manager are, in relation to all matters concerning the Port, hereby conferred and imposed upon the Port Manager. Plans and specifications must be on file in the office of the Board, subject to public inspection, at the time of solicitation of bids or publication of notice inviting public bids.



In the event of extraordinary fire, flood, storm, epidemic, public disaster, or if necessary to accomplish emergency rehabilitation or repair of operative facilities to prevent loss of Port revenue, the Board may, upon adoption of a resolution by four-fifths (4/5ths) vote of its members, declare that the public interest and necessity require the immediate performance of emergency public work or service. Upon adoption of such resolution the Board may order such emergency expenditures as are necessary to accomplish such work without public advertisement or bid. (As amended March 4, 1975; certified by Secretary of State March 20, 1975.) (As amended April 13, 1982, certified by Secretary of State June 10, 1982)

#### Section 49b. RESTRICTIONS OF POWERS OF COUNCIL

No franchise shall be granted, no property shall be acquired or sold, no street shall be opened, altered, closed or abandoned, and no sewer, street or other public improvement shall be located or constructed in the "Port Area" by the City of Redwood City, or the council thereof, without the approval of the Board.

#### Section 49c. ADDITIONAL POWERS:

The City Council, subject to the approval of the Board, may by ordinance confer upon and delegate to the Board, from time to time, such additional powers and duties which may be vested in it, and which it may deem necessary or convenient to carry out the general purposes of the Board.

#### Section 49d. LIBERAL CONSTRUCTION:

If any section, clause, word, or provision of this amendment shall be held unconstitutional, the other sections, clauses, words, or provisions of this amendment shall not be affected thereby. All the provisions of Sections 47 to 50a of this Charter shall be liberally construed.

#### Section 49e. CONFLICT WITH OTHER SECTIONS:

The provisions of Sections 47 to 50a of this Charter shall supersede and control all other provisions of the Charter in conflict therewith. To all other extents, the powers, duties, and functions heretofore vested in the council or any of the officials, boards, or departments of the city shall be unimpaired.

#### Section 50. PORT AREA:

The "Port Area" referred to in Sections 47 to 50a of this Charter shall include all property fronting on Redwood Creek or its tributary

streams, or on San Francisco Bay, lying within Township 5 South, Range 3 West, Mount Diablo meridian, which is now, or may hereafter be, within the City of Redwood City, or owned or possessed by the City of Redwood City, and such other property as may hereafter be placed within said "Port Area" by the City Council of Redwood City.

#### Section 50a. AMENDMENT EFFECTIVE:

For the purpose of appointing the members of and organizing the Board, the Amendment shall take effect immediately upon its ratification by the legislature; for all other purposes it shall take effect thirty (30) days thereafter. All lawful ordinances, resolutions, regulations, employments, duties and obligations pertaining to any of the matters included in Sections 47 to 50a, shall, however, continue in force until the same may be duly amended, repealed or abolished.

(Sections 47 to 50a added in 1937. See note preceding Section 47.)

#### Section 50b. REVENUE BONDS:

1. The provisions of this section shall supersede and control all other provisions of this charter in conflict therewith.

2. The term "enterprise" as used in this section means any or all facilities and improvements, including any or all improvements to any thereof, referred to or described in paragraph 2 or 3 of Section 47f of this charter and under the jurisdiction of the Board.

3. Notwithstanding any provision of this charter to the contrary, and without complying with Section 48e, the Board shall have power to acquire, construct, improve and finance any enterprise in the Port Area.

For the payment of the cost of any enterprise or any part thereof (including all incidental expenses, interest during construction, reserve funds and other funds necessary for the better securing of the bonds hereinafter referred to) the Board may, by resolution adopted by the affirmative votes of four-fifths (4/5ths) of all its members and approved by the affirmative votes of a majority of the members of the council and without compliance with Section 65 of the Charter by the Board or the council, issue revenue bonds in the name of the Board payable exclusively from any or all revenues of such enterprise.

4. Such revenue bonds shall be issued by the Board pursuant to the provisions of the Revenue Bond Law of 1941 (California Government Code Sections 54300 and following) as the same may, from time to time, be amended (and all of the provisions of said Law, as amended, are incorporated in this section by reference and made a part hereof); excepting, however, that no election shall be required for the issuance of any revenue bonds by the Board; that the terms "local agency" and "legislative body" as used in said Law shall mean the Board; and that the term "enterprise" as used in said Law shall have the meaning set forth in paragraph 2 of this section.



5. If any revenue bonds shall be issued under this section, then Section 48b and the first two paragraphs and the first sentence of the third paragraph of Section 48c of this Charter shall be inapplicable so long as any such revenue bonds shall remain outstanding and unpaid. The general fund of the city shall not be liable, and the credit or taxing power of the city shall not be pledged, for the payment of any such revenue bonds or their interest and such bonds shall not be secured by a legal or equitable pledge of, or charge, lien or encumbrance upon, any of the property of the City or the Board or any income or receipts of the City or the Board excepting only revenues of the enterprise.

6. The authorization granted to the Board by this section to issue revenue bonds is complete and no authorization for their issuance shall be required except as provided in this section and Section 65 of this Charter shall not apply; provided, however, that the provisions of this section shall constitute an alternative method of financing and that the city may, in its discretion, provide for the financing of any facilities or improvements in the Port Area in any other manner permitted by this Charter or the laws of the State of California, including the issuance of general obligation bonds of the city therefor.

7. Revenue bonds issued under this section shall not be taken into consideration in determining the bonded indebtedness which the city is authorized to incur and shall be excluded from any limitation provided by Section 65 or otherwise by this Charter or by law on the amount of bonded indebtedness of the city. (Section 50b added April 10, 1962, ratified by Legislature June 29, 1962.) (As amended April 11, 1978, certified by Secretary of State June 12, 1978)

## FINANCES

### Section 51. BUDGET:

Upon a date established by resolution of the Council, the City Manager shall submit to the Council a proposed budget for all departments to be known as the general budget. Said budget shall include estimates of the revenues and expenditures of the city departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the Manager. The classification of the estimates of expenditure shall be as nearly uniform as possible for all departments and shall give the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Estimated expenditures and appropriations for corresponding items for the current fiscal year.

(d) Such other information as is required by the Council or that the City Manager may deem advisable to submit.

Sufficient copies of such budget shall be prepared and submitted 'so that there may be copies on file in the City Clerk's office for inspection by the public, unless the Council publish the same in the official newspaper. The Council shall have the power to revise, correct or modify said proposed budget in any particular. (As amended March 4, 1975; certified by Secretary of State March 20, 1975) (As amended April 8, 1980, certified by Secretary of State April 25, 1980)

### Section 51.5 ADOPTION OF BUDGET:

At the meeting of the Council at which the budget is submitted, the Council shall set a time and place for a public hearing thereon, shall order copies thereof to be filed in the office of the City Clerk for inspection by the public and shall cause a notice to be published at least once in the official newspaper stating that copies of the budget are available for inspection at the City Clerk's office and stating the time and place at which the Council will hold the public hearing. At the time and place so advertised, or at such time and place to which such hearing may from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted. After the conclusion of such public hearing, the Council may insert new items, delete items or may increase or decrease the amount of moneys set forth for the various items included therein.



A copy of the budget as amended by the Council shall be certified by the City Clerk and the City Manager and shall be filed in the office of the City Clerk. The budget shall be finally adopted by ordinance upon a date established by resolution of the Council. Such ordinance shall adopt the budget by reference to the certified copy thereof, as amended, on file in the office of the City Clerk, and such ordinance shall be effective immediately upon final adoption thereof. From and after the effective date of the ordinance adopting the budget, the several amounts stated in the budget as proposed expenditures shall become and thereafter be appropriated to the offices, departments, objects, and purposes therein stated for the fiscal year to which the budget is intended to apply.

From time to time during the fiscal year, the Council may transfer sums from any appropriated item to any other appropriated item by resolution. Additional appropriations shall be accomplished in the manner provided for in Section 15 of the Charter. No appropriation shall be cancelled in whole or in part except by ordinance adopted by the affirmative vote of five-sevenths (5/7ths) of all members of the Council. (As amended April 8, 1958, ratified by Legislature April 18, 1958) (As amended April 8, 1980, certified by Secretary of State April 25, 1980)

## TAXES, ACCOUNTS, FUNDS, DEBTS

### Section 52. FISCAL YEAR:

The fiscal year of the city shall commence on the first day of July of each year, or at such other times as may be fixed by ordinance.

### Section 53. TAXATION:

Except as otherwise herein provided the Council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the State; provided, that all sales for delinquent taxes shall be made to the City of Redwood City. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate of the current year.

### Section 53.5. TRANSFER OF FUNCTIONS:

Notwithstanding any provisions of this Charter to the contrary, the Council may, by ordinance, provide for the transfer of those municipal functions and those duties of city officers which relate to the assessment of property, including special assessments thereon, the equalization and correction of assessments, the collection, payment and enforcement of current and delinquent taxes, and the redemption of property, to the County of San Mateo or to such County officers as the Council determines appropriate. The provisions of this section shall supersede and control all other provisions of this Charter in conflict herewith. (As amended November 6, 1962, ratified by Legislature January 14, 1963.)

### Section 54. BOARD OF EQUALIZATION:

The Council shall meet at its usual meeting place on the third Monday in July of each year, at ten o'clock A.M., and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the assessor have been rectified and assessments equalized. The Board of Equalization shall have power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to any one whose assessment is proposed to be raised, excepting in case of a uniform increase in the assessed valuation of the property of the entire city. (As amended April 8, 1958, ratified by Legislature April 18, 1958.)



## Section 55. ANNUAL TAX LEVY:

The Council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of all property in the city, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budgets and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The Council shall then deliver the assessment roll to the auditor, who shall thereupon compute and carry out the amount of the tax so levied on each parcel of property contained in the assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

## Section 56. LIMIT OF TAX LEVY:

The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of two dollars on each one hundred dollars of the assessed valuation of the real and personal property within the city, except as in this Charter otherwise provided, when the assessed valuation is that as fixed and established by the County of San Mateo; provided, however, that if the assessed valuation is that as established by the City of Redwood City the tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of one dollar on each one hundred dollars of such assessed valuation. The moneys collected from such levy shall be placed in the general funds of the city, and may be apportioned as determined by the Council.

The foregoing limitation shall not apply in the event of any major catastrophe, in which case it may be temporarily suspended; provided, that no increase over said limit, except as herein prescribed shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the city. (As amended November 6, 1962, ratified by Legislature January 14, 1963.)

## Section 57. SPECIAL TAX LEVY:

The Council shall have the power to levy and collect taxes in addition to the taxes herein or by general law authorized to be levied and collected in an amount sufficient to pay the bonded indebtedness of said city and also in an amount sufficient to pay any delinquency for bonds issued under the Improvement Board Act of 1915 of the State of California and for the additional following purposes and not to exceed the following rates, to-wit:

(a) For the acquisition and construction of permanent improvements, real property, public buildings and structures and public offices, including equipping and furnishing of the same, at the rate of not more than five cents on each \$100 of assessed valuation during any one fiscal year, provided, however, that said amount of five cents may be increased by a vote of the electors of said city.

## Section 58. TAX LIENS:

All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach annually, as of 12:01 a.m. on the first day of March preceding the fiscal year for which the taxes are levied or at such other time and date as may hereafter be prescribed by the laws of this State and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due and delinquent thereon, the same shall be sold to the city in like case and manner, and with like effect and right of redemption as may be struck off and sold to the state when offered for sale for county taxes; and the council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter. (As amended April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76.)

## Section 59. PAYMENT OF CITY MONEYS:

Money shall be drawn from the treasury only on warrants as herein prescribed. Every demand against the city, from whatever source, excepting the Public Library, when approved by the city manager, and when allowed by the council, shall be signed by the Mayor; and a warrant prepared by the city auditor shall be issued and signed by the Mayor and city clerk or such other officers as the council may designate; provided, however, that whenever prescribed by the city council such demand shall be approved by the city auditor, who shall satisfy himself that the money is legally due and its payment authorized by law. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof; provided, however, that warrants for salaries of officers and employees shall be allowed by the Auditor and paid at such regular intervals as prescribed by ordinance, from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims. (As amended March 4, 1975; certified by Secretary of State March 20, 1975.)

Section 60 (Deleted March 4, 1975; certified by Secretary of State March 20, 1975)

## Section 61. GENERAL RESERVE ACCOUNT:

The Council shall maintain a permanent revolving account, to be known as the General Reserve Account, for the purpose of keeping the payment of the running expenses of the city on a cash basis. Said account shall be maintained in an amount sufficient to meet all legal

demands against the treasury for the first four months or other necessary period of each fiscal year prior to the collection of taxes. The council shall have power to transfer from the General Reserve Account to any other account or fund such sum or sums as may be required for the purpose of placing such account or fund, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all moneys so transferred from the General Reserve Account be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Account exceeds thirty percent of the total amount of the General Budget for that year, the council may appropriate such excess for any city purpose without returning the same.

#### Section 62. SURPLUS RETURNED TO GENERAL FUND:

At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully determined, the council shall direct the auditor to transfer all surplus moneys to the general fund, except such surplus moneys as may be in the several interest and sinking funds and in such other funds the disposition of whose surplus moneys is otherwise provided for. (As amended March 4, 1975; certified by Secretary of State March 20, 1975.)

Section 63 deleted April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76.

Section 64 deleted April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76.

#### Section 65. BORROWING MONEY BY THE CITY:

The city may borrow money for any municipal purposes by the issue and sale of bonds authorized by ordinance pledging the credit of the city or the property or revenue of any public utility owned by the city. Every ordinance authorizing a bond issue, except ordinances authorizing such bond issues as are specified in Section 66 of this Charter, shall be passed only by a two-thirds majority vote of the electors voting thereon at a regular or special election. No bond shall be issued on the credit of the city which will increase the bonded indebtedness thereof beyond fifteen per cent (15%) of the assessed valuation of property in the city subject to direct taxation as shown by the last preceding valuation for city taxes; but bonds issued for the construction, acquisition, extension, or improvement of any income-producing utility owned by the city shall be deemed to increase the bonded indebtedness of the city only to the extent that such utility is not self-supporting. Every issue of bonds shall be payable within a term of years not to exceed the estimated period of usefulness of the property or improvement for which issued, and in no case to exceed twenty (20) years.



The council of said city is also authorized to proceed under any general law of the State of California now in effect or hereafter to be enacted with reference to bonding said city and creating a bonded indebtedness thereon.

#### Section 66. BORROWING MONEY ON SHORT TERM NOTES:

Bonds or notes issued in anticipation of the collection of special assessments, and bonds, notes, or registered warrants on the Treasury, issued in anticipation of the collection of taxes, may be authorized by the city council by ordinance and shall not be deemed the creation of debt within the meaning of Section 65 of this Charter. Bonds, notes, or registered warrants on the Treasury issued in anticipation of the collection of the taxes of any fiscal year shall be issued only during the first four months of such fiscal year, and each such bond, note, or warrant shall specify that it is payable solely out of the revenues of the fiscal year in which issued, and before the close of such year, and shall not bear a higher rate of interest than four (4) per cent per annum more than the average of the rates of interest per annum paid to the City during the three (3) months next preceding the proposed date of issuance of such bonds, notes or warrants on investments of general municipal funds not required for immediate expenditure, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five per cent of the total appropriations of the city for such year. (As amended April 10, 1984, certified by Secretary of State June 21, 1984.)

#### Section 67. CONTRACTS:

Any public work or improvement costing more than ten thousand dollars (\$10,000) shall be executed by contract, except where a specific work or improvement is authorized by the City Council based on detailed estimates submitted by the department authorized to execute such work or improvement directly. Every contract for any public work or improvement which is estimated to cost more than ten thousand dollars (\$10,000) but less than twenty thousand dollars (\$20,000) shall be awarded to the lowest responsible bidder after solicitation of bids without public advertisement. Every contract for any public work or improvement which is estimated to cost twenty thousand dollars (\$20,000) or more shall be awarded to the lowest responsible bidder after public advertisement and competition as may be prescribed by ordinance. The city council shall have the power to reject any and all bids, and solicit or advertise again. All solicitations and advertisements as to contracts shall contain a reservation of the foregoing right. All contracts entered into by the city shall be signed by the city manager and any other officer or officers of the city as the council may by ordinance provide. (As amended April 13, 1954, ratified by Legislature January 13, 1975, Stats. 1955, Chapter 27; as amended March 4, 1975; certified by Secretary of State March 20, 1975; as amended April 13, 1982, certified by Secretary of State June 10, 1982)

**Section 68: CITY MAY PERFORM ITS OWN WORK, ETC.:**

If the city council shall reject all bids, it may, in lieu of soliciting or advertising for new bids, determine and declare by a five-sevenths (5/7ths) vote of all its members that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the provisions of Section 67 hereof; and

Provided that, in the case of a great public calamity, such as extraordinary fire, flood, storm, epidemic, or other disaster the council may, by resolution passed by a vote of five-sevenths (5/7ths) of all its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property and thereupon they may proceed, without soliciting or advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the city treasury and available for such purpose. (As amended March 4, 1975; certified by Secretary of State March 20, 1975.)

Section 69 deleted April 11, 1978, certified by Secretary of State June 12, 1978)

Section 70 omitted to allow for amendments.

## MISCELLANEOUS

### Section 71. GENERAL LAWS APPLICABLE:

All general laws of the state applicable to municipal corporations, including those relating to "municipal affairs," now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the city.

### Section 72. DEFINITIONS:

Whenever in this charter the word "City" occurs, it means Redwood City; and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of Redwood City. Whenever in this charter, the word "State" occurs, it means the State of California. Whenever the term "General Laws" is used herein, it means General Laws of this State.

### Section 72.5 GENDER:

As used in this Charter, the masculine gender includes the feminine, and the terms "man" or "men" where appropriate shall be deemed to mean "person" or "persons", respectively. Any references to one gender in Sections of this Charter shall be changed to include both genders or to the singular or plural form of "person", as appropriate, when such Sections are amended. (As added April 10, 1984, certified by Secretary of State June 21, 1984.)

### Section 73. OFFICE VACATED:

If any officer of the city shall remove from the city, or absent himself therefrom for more than 30 days consecutively without the permission of the council, or if he shall fail to qualify by taking the oath of office and filing his official bond, whenever such bond is required, within 15 days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign, or if he shall be convicted of felony, or if he shall be adjudged insane, or if he shall cease to discharge the duties of his office (other than that of member of the council) for two consecutive months, unless prevented by sickness, his office shall be vacant.

### Section 74: STREETS AND OTHER PUBLIC IMPROVEMENTS UNDER GENERAL LAWS:

The improvement, widening, extending, opening and closing of streets or rights of way owned by said city or in which said city has an easement, whether within or without the limits thereof, and the planting of



trees thereon, and the making of any other improvements authorized by the laws of the State may be done and assessments therefor may be levied in conformity with and under the authority conferred by the general laws of the State now in effect or which may hereafter be enacted; provided, however, that the Council may by ordinance adopt a procedure for the improvements of streets, alleys, rights of way or other public places, the laying of pipe and conduits and the removal from buildings, lots and grounds, and the sidewalks opposite thereto, of dirt, rubbish, weeds and other rank growth and materials which may injure or endanger neighboring property or the health or welfare of the inhabitants of said city, and for making and enforcing assessments against the property benefited or affected thereby or from which such removal is made for cost of such improvements or removal, and may make such assessments a lien on such property superior to all other claims or liens thereon except state, county and municipal taxes, but no such ordinance shall prevent or limit the council from proceeding under any of the general laws of the State now in effect or which may be hereafter enacted, referring to said purposes. It is the intention of this Charter to permit the council of said city to proceed in all matters referred to in this section under the general laws of the State now in effect or hereafter to be enacted.

#### Section 75. BOOKS AND RECORDS TO SUCCESSORS:

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

Section 76 deleted April 11, 1978, certified by Secretary of State June 12, 1978

#### Section 77. PROHIBITED FINANCIAL INTERESTS:

No city officer shall be financially interested in any contract, sale or purchase contrary to the provisions of the general laws of the State as the same now exist or may hereafter be amended. (As amended April 12, 1960, ratified by Legislature January 24, 1961.)

#### Section 78. NO PAYMENT FOR OFFICE:

No officer or employee of the city shall give or promise to give to any person any portion of his compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

#### Section 79. NO CONTRIBUTIONS FOR EMPLOYMENT:

No officer or employee shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employee, or from any one under his charge, or from any candidate or applicant for any position as employee or subordinate in any department of the city.

#### Section 80. NO FAVORITISM IN PUBLIC CONTRACTS:

No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, or material or supplies at a higher price or rate than that proposed by any other bidder, or shall favor one bidder over another, giving or withholding information, or shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

#### Section 81. FORFEITURE OF OFFICE FOR FRAUD:

Every officer who shall wilfully approve, allow, or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond, for the amount of the demand so approved, allowed, or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the city.

#### Section 82. DISPOSITION OF PUBLIC MONEYS:

All city officials, and employees empowered to collect money for fees, permits, licenses, inspections, services, taxes or other municipal charges, shall collect the same promptly at the time they become due, turn them in to the city treasury daily, obtain a receipt therefor, and report the same to the city auditor daily. The council may by ordinance provide for the depositing and reporting of moneys at such other time periods as found appropriate, but not less often than weekly. All such moneys and all fines or pecuniary penalties or forfeitures which may accrue to the city, and all funds which may remain in the possession of the city unclaimed after a period of one year from the date when due and payable shall be credited to the General Fund of the city, and shall be applicable to any purpose to which the council may appropriate them, and the council shall appropriate from this fund whatever sum may be necessary to pay valid claims of more than one year's standing. (As amended April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76.)

### Section 83. PUBLIC RECORDS:

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

### Section 84. COPIES OF RECORDS:

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and tendering the fee therefor as provided by ordinance. (As amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27.)

### Section 85. OLD ORDINANCES IN EFFECT:

Except ordinances and resolutions adopted prior to July 1, 1897, which ordinances and resolutions are hereby declared to be no longer effective, all ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed. (As amended April 13, 1954, ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27.)

### Section 86. CONTINUING OFFICERS AND EMPLOYEES:

Except as otherwise provided herein, the term of all elective officers and of all appointive officers elected or appointed under the form of government preceding this Charter shall terminate upon the ratification of this Charter by the Legislature of this State; the incumbents of such offices shall thereafter hold their respective offices until removed therefrom by the Council or the Commission, Board, or Officer to whom the power of removal of such officer is hereby committed. All deputies, police officers, firemen and other employees of the city at the time of this Charter becoming effective shall continue in their respective offices or positions of employment, subject to removal and the control thereof by the city manager as herein provided.

### Section 87. CONTINUANCE OF CONTRACTS:

All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this Charter, unless herein expressly provided. All contracts entered into by the city or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws



in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

#### Section 88. CLAIMS AGAINST CITY:

(a) No legal action shall be brought on any claim for money or damages against the city or any board or commission of the city until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the city must be presented within six (6) months after the occurrence, event or transaction from which the damages arose, and all other claims or demands of any nature shall be presented within six (6) months after the last item of the account or claim accrued.

(b) Every claim for money or damages against the city or any board or commission thereof shall be filed with the city clerk and shall be verified by at least one of the claimants or by someone for and on behalf of such claimant or claimants, and shall be in writing. The city clerk shall thereupon present the same to the council, officer, board or commission authorized by this Charter to incur or pay the expenditure or alleged indebtedness or liability represented thereby. In all cases such claims or demands shall be approved or rejected within sixty (60) days from the date of their filing, provided, however, that failure to act upon any claim or demand within said sixty-day period shall be deemed to be a rejection thereof.

(c) The provisions of this section shall not apply in the case of interest upon, or principal, or installments of principal on bonds or other evidence of indebtedness issued by the city or any board or commission thereof pursuant to authorization by this Charter or by ordinance or by general law of the State of California. (As amended April 13, 1954; ratified by Legislature January 13, 1955, Stats. 1955, Chapter 27.)

#### Section 89. OFFICIAL SEAL:

The official seal of the city prescribed therefor under the form of government preceding this Charter shall continue to be the official seal of the city hereunder; provided that the word "Town" in said seal shall be changed to "City."

#### Section 90. OFFICIAL ADVERTISING:

The council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the city for the publication of all ordinances and other legal notices and matters required to be published. The newspaper to which such contract

is awarded shall be known and designated at the "official newspaper." The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Contracts for advertising shall be awarded to the lowest responsible bidder. If there are two or more lowest bids for advertising, the council shall award the contract to the newspaper having the largest paid circulation.

#### Section 91. OFFICIAL PUBLICITY ON ELECTION MATTERS:

Arguments for and against any proposed city Charter, any proposed amendment to the city Charter, any proposal for the issuance of bonds by the city, or any other question, proposition or measure submitted to the voters of the city, shall be submitted to the qualified electors of the city in accordance with and pursuant to the applicable provisions of the general laws of the State of California. (As amended April 10, 1962, ratified by Legislature June 29, 1962.)

#### Section 92. AMENDMENT OF CHARTER:

This charter may be amended in accordance with the provisions of Section 3, Article XI, of the Constitution of the State of California, or any amendment thereof or provision substituted therefor. (As amended April 11, 1978, certified by Secretary of State June 12, 1978)

Section 93 deleted April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76.

#### Section 94. PARTIAL INVALIDITY, EFFECT:

If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

#### Section 95. CITY MANAGER OUT OF POLITICS:

Neither the city manager, nor any person in the employ of the city, shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

Section 96 deleted April 9, 1968, approved by Legislature April 29, 1968, Stats. 1968, Chapter 76.

\* \* \* \* \*



WHEREAS, the City of Redwood City is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under authority of Congress of the United States; and

WHEREAS, on the 15th day of November, 1928, at a special election duly held on that day under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did choose and elect Philip Edmond Brand, C. E. Choate, Walter T. Kellogg, C. G. Lambert, A. S. Liguori, Percy E. Long, Nelle L. Miramontes, George W. McNulty, Edw. H. Sampson, Thomas Tuite, C. M. Doxsee, Henry Witte, M. E. Ryan, Mrs. A. S. Kalenborn and Paul A. McCarthy, who are all electors of said City and eligible as candidates under such election as a board of fifteen free-holders to prepare and propose a charter for the government of said City; and

WHEREAS, the result of said election was duly declared by the legislative body to-wit, the Board of Trustees of said city, on the 19th day of November, 1928, and the said electors thereafter duly qualified as such free-holders in accordance with law; and

WHEREAS, the period of 120 days since the result of said election was declared has not expired:

NOW, THEREFORE, in pursuance of the said provisions of the Constitution of the State of California, after the result of said election was so declared, the said Board of Free-holders has prepared and does now propose the foregoing charter as and for the charter of the City of Redwood City.

And the said Board of Free-holders does hereby fix and designate Tuesday, the 9th day of April, 1929, as the date for holding a special municipal election in said City, at which the said proposed charter shall be submitted to the electors of said City for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned free-holders hereunto set our hands at the City of Redwood City, in the State of California, this sixth (6th) day of February, 1929.

M. E. RYAN, President of the Board of Free-holders.  
MRS. A. S. KALENBORN, Secretary of said Board.  
PHILIP EDMOND BRAND,  
C. E. CHOATE,  
GEORGE W. McNULTY,  
C. G. LAMBERT,  
M. E. RYAN,  
PERCY E. LONG,  
MRS. A. S. KALENBORN,  
A. S. LIGUORI,  
NELLE L. MIRAMONTES,  
EDW. H. SAMPSON,  
THOMAS TUIE,  
WALTER T. KELLOGG,  
HENRY WITTE,  
PAUL A. MCCARTHY,  
C. M. DOXSEE.



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